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OFFICE OF PETITIONS

In re Application of :
John I. Shipp :
Application No. 10/706,715 : DECISION GRANTING PETITION
Filed: November 12, 2003 : UNDER 37 CFR 1.47(b)
For: SURGICAL LIGATION CLIP :
:

This is in response to the papers filed September 3, 2004, which have been treated as a "Request For Reconsideration of Petition Under 37 CFR 1.47(b)."

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of by attorney of record Thomas H. Martin establishes that the inventor was mailed the application papers, including the specification, claims and drawings, and refused the request that he sign the declaration. In addition, petitioner has shown that Surgicon has a proprietary interest in the above-identified application with the copy of the assignment document. The petition fee has been paid. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571)272-3228.

A handwritten signature in black ink, appearing to read 'E. J. Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office